

REMARKS

Applicant gratefully acknowledges the telephonic interviews with the Examiner conducted on June 4, 2003. Applicant has attempted to address the issues raised by the Examiner in the interviews with this response.

Applicant requests reconsideration of the application in view of the following remarks. Claims 1, 2, 4, 6, 10, 11, 15-19 and 21 are pending. Claims 1 and 18 are independent claims.

INFORMATION DISCLOSURE STATEMENT

The Examiner noted that some of the references provided previously and cited in the Information Disclosure Statement filed June 13, 2002, which were not available in the parent application No. 09/284,895 referenced in that Information Disclosure Statement and which were subsequently provided in a supplemental Information Disclosure Statement filed January 21, 2003, are still missing. Applicant gratefully acknowledges the copy of paper No. 11 sent by the Examiner with the Advisory Action showing that the references sent within the Supplemental IDS filed on May 14, 2003 have been considered.

DRAWING OBJECTION

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.84 (p)(4). Specifically, the Examiner asserted that reference numerals "58" and "54" were both used to designate valleys in FIG. 8. In the telephonic interview on June 4, 2003, the Examiner indicated that the proposed drawing correction filed on May 14, 2003 was approved.

35 U.S.C. § 102 REJECTIONS

The Examiner rejected claims 1, 2, 6, 11, 15-19 and 21 under 35 U.S.C. §102(e) as being anticipated by Milo U.S. Patent No. 6,206,911. Applicant respectfully traverses the rejection.

In the telephonic interviews on June 4, 2003, the Applicant respectfully submitted and the Examiner apparently agreed, that the present application is a continuation of U.S. Ser. No. 08/881,059 and claims priority for the June 24, 1997 filing date of the '059 application which is prior to the § 102(e) date (November 2, 1998) for the Milo reference. It was respectfully asserted in the telephonic interviews, and the Examiner apparently agreed, that Milo is, therefore, not a valid reference under 35 U.S.C. § 102(e) against the present application. Applicant respectfully requests that the rejection be withdrawn.

The Examiner rejected claims 1, 2, 4, 10, 11, 15, 16, 18, 19 and 21 under 35 U.S.C. § 102(e) as being anticipated by Killion, U.S. Patent No. 5,868,781. Applicant respectfully traverses the rejection.

Applicants have filed a Declaration pursuant to 37 C.F.R. § 1.131 to swear behind the Killion '781 patent. Applicant respectfully requests that the § 102(e) rejection be withdrawn.

The Examiner rejected claims 1, 4, 6, 10, 11, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by Hiroyuki et al. (JP 10201856 A). Applicant respectfully traverses the rejection.

In the telephonic interviews on June 4, 2003, Applicant respectfully submitted, and the Examiner apparently agreed, that the claimed priority date of June 24, 1997 for the present application is prior to the publication date (April 8, 1998) of the Hiroyuki reference. It was respectfully asserted in the telephonic interviews, and the Examiner apparently agreed, that Hiroyuki is, therefore, not a valid reference under 35 U.S.C. § 102(b) against the present application. Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant has attempted to respond to each and every rejection set forth in the outstanding Office action. In view of the above remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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By:



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Enclosures Declaration of Richard T. Allen and Daniel L. Cox
Exhibit A

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